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MEMORANDUM TO THE COMMITTEE OF COUNSEL

Health and Welfare Canada has proposed amendments to the regulations implementing the Tobacco Products Control Act. The proposed amendments would specify new pack and carton health warning requirements and require a leaflet in every pack of cigarettes. The proposed amendments, if adopted, would take effect on January 1, 1991 or June 1, 1991, as the case may be, and would modify the existing regulations, which took effect generally on October 31, 1989. The letter from the government formally advising the cigarette manufacturers of the proposed amendments is enclosed for your information, as are the current regulations. It is our understanding that comments on the proposed amendments are due no later than April 28, 1990.

1. Package Health Warnings.

Under the proposed amendments, the regulations would specify six health warnings, including an addiction warning and an ETS warning. (New Sec. 1) Four warnings currently are prescribed, and these do not include an addiction or an ETS warning. (Old Sec. 11(1)) The six warnings would have to appear simultaneously in approximately equal proportion. (New Sec. 1) The Information Letter indicates that the warnings currently appear in this way.

As under the existing regulations (Old Sec. 15(a)), the warning on each pack would have to appear in 17-point type in English on the front panel and in French on the back panel or vice versa. (New Sec. 4) Currently, the warning must be located horizontally at the bottom of the pack within an area that accounts for at least 20 percent of the panel surface. (Old Sec. 16(2)) Under the proposed amendments, the warning would be located horizontally at the top of the pack in an area that would account for at least 25 percent of the panel surface. (New Sec. 4)

The regulations currently specify that the warning must be "legibly and prominently displayed in contrasting

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colours" and do not require the warning to appear within a border. (Old Sec. 16(2)) Under the proposed amendments, each warning would be required to appear half the time in bold black type against a white background surrounded by a black border and half the time in bold white type against a black background surrounded by a white border. (New Sec. 3(1)) The proposed amendments specify a thickness for the border of 1-2 mm and the border is to be outside the 25 per cent area reserved for the warning. (New Sec. 3(2))

## 2. Toxic Constituents.

The regulations currently require a list of "the toxic constituents of the cigarettes or cigarette tobacco" to appear on the side of the pack, with quantities expressed as a proportion of total weight. (Old Sec. 11(b)(1)) The regulations also require a list of "the toxic constituents that are present in the smoke produced by the combustion of the cigarettes or cigarette tobacco" to appear on the side of the pack, with the average yield shown in mgs per cigarette. (Old Sec. 11(1)(d)) "Toxic constituents" are defined to mean, in the case of cigarettes, "tar," nicotine and carbon monoxide. (Old Sec. 2)

The proposed amendments apparently would eliminate the requirement that "the toxic constituents of the cigarettes or cigarette tobacco" be listed on the pack. They provide that only the information concerning "tar," nicotine and carbon monoxide combustion yields shall appear on one side panel and they require that such information appear in at least 10-point bold black type on a white background. These amendments would take effect on June 1, 1991. (New Sec. 5)

## 3. Package Leaflets.

The current regulations require a 10 cm-by-10 cm leaflet carrying one of the four health warnings and the required toxic constituent information to be placed inside any cigarette pack the largest display panel of which is smaller than 20 cm<sup>2</sup>. (Old Sec. 14(1)) The warning and toxic constituent information must be "legible and prominently displayed in contrasting colours" in 17-point bold type (Old Sec. 16(1))

The proposed amendments would require a leaflet in every pack of cigarettes. The leaflets would be of a width not less than 95 percent of the width of the pack and a height not less than 95 percent of the height of the pack. The leaflet must be placed in such a manner that the leaflet is located in the front of the pack and is "clearly prominent"

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when the pack is opened. The size of text and typestyle of all texts, as well as the texts themselves, will be specified, at a later date, to ensure prominence and legibility. These amendments would take effect on June 1, 1991. (New Sec. 6)

#### 4. Carton Health Warnings.

The current regulations do not mention cartons. Under the proposed amendments, every carton of cigarettes would be required to display one of the specified health warnings "on all panels of the carton." The English and French text of the warning would appear on "opposite panels" of the carton. The warning would be displayed parallel to and at the top edge of each panel within an area equal to 25 percent of the panel surface, in bold black type on a white background surrounded by a black border. (New Sec. 7)

If you have any questions, please give us a call.

David H. Remes

Enclosures

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